

2 to 4

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

----- X
Yan SHAO

Plaintiff,

-against -

Edward Cuccia,
Charles Day,
John / Jane Doe, :
Law Offices of Ferro & Cuccia

Defendants.
----- X

:
: 00 CIV 1901
: (Judge Rambo)

**FILED
HARRISBURG**

APR 14 2003

MARY E. D'ANDREA, CLERK
Per AK
DEPUTY CLERK

MOTION FOR CLARIFICATION

Pamela J. Day, a non-party to the above captioned action, requests clarification of the court's order dated March 17, 2003, insofar as that order finds that Pamela J. Day did not timely oppose Plaintiff's motions for sanctions pursuant to Middle District of Pennsylvania Local Rule 7.6.

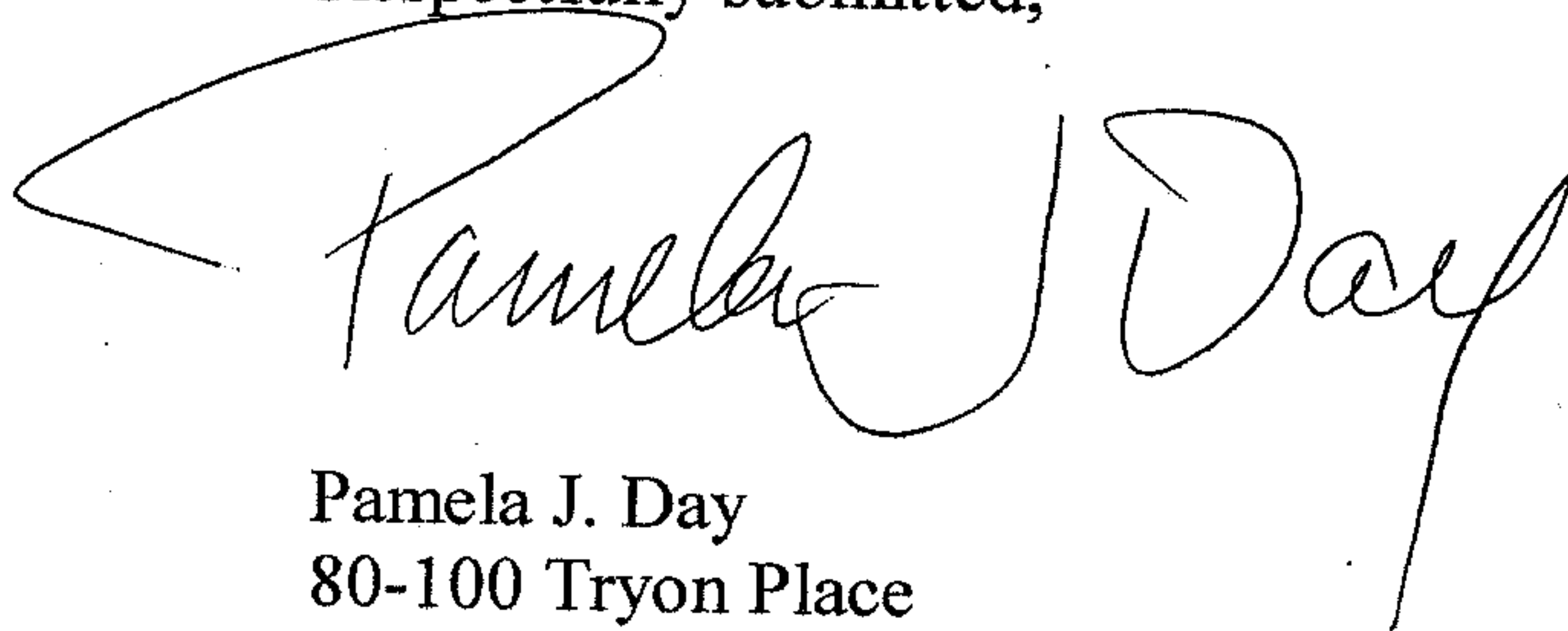
1. That on February 10, 2003, Plaintiff supplemented the Motion for Sanctions she initially served upon Pamela J. Day on January 28, 2003. Plaintiff's amended motion was served by mail. It is respectfully submitted that the time to oppose Plaintiff's motion runs from the date she amended same, February 10, 2003 (plus three days pursuant to Fed R. Civ. P. 6(e)). Thus, Pamela J. Day timely opposed Plaintiff's Motions for Sanctions.

2. That Local Rule 7.6 sets forth the time in which to oppose *pre-trial* motions. See M.D. Pa. Local Rule 7.6. The within matter is not in pre-trial stage. It is respectfully submitted that Local Rule 7.6 does not apply to the instant matter.

3. That Local Rule 7.31 indicates that *post-trial* briefs are to be filed within twenty (20) days after service of Plaintiff's Motions for Sanctions. See M.D. Pa. Local Rule 7.31. It is respectfully submitted that Local Rule 7.31 is applicable in this matter. Thus, Pamela J. Day timely opposed Plaintiff's Motions for Sanctions.

WHEREFORE, Pamela J. Day requests clarification of the court's order dated March 17, 2003, and for such other and further relief as this court deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pamela J. Day". The signature is written in black ink and is positioned below the "Respectfully submitted," text.

Pamela J. Day
80-100 Tryon Place
Jamaica, NY 11432
(718) 969-4858

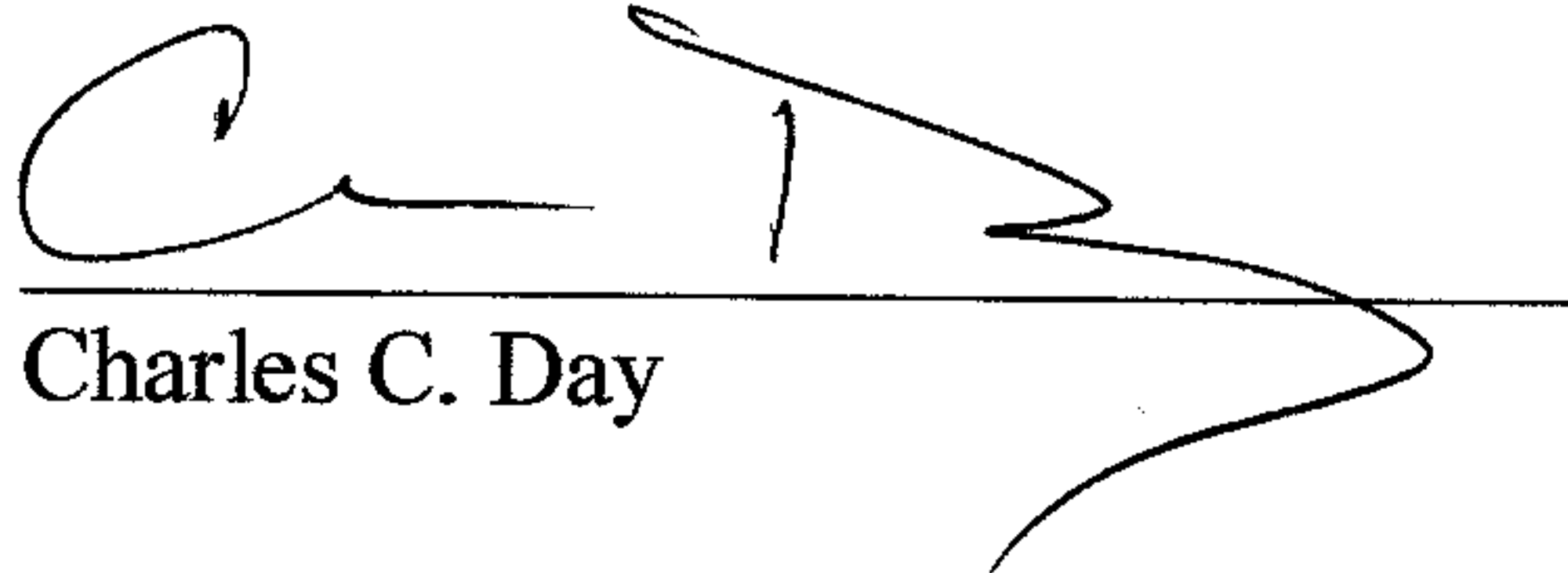
3046 Dupont Street South
Gulfport, FL 33707
(727) 344-7347

CERTIFICATE OF SERVICE

Undersigned counsel certifies that on April 10, 2003, a copy of the appended Motion for Clarification has been served on the plaintiff by First Class Mail, postage pre-paid, to the following addresses:

Richard B. Cook
P.O. Box 411
Hunt Valley, MD 21030

Craig T. Trebelcock
100 East Market
P.O. Box 15012
York, PA 17405-7012



Charles C. Day